

### **REMARKS**

Applicant respectfully requests further examination and reconsideration in view of the amended claims and the arguments set forth fully below. In the Office Action mailed April 11, 2007, claims 1, 3, 5, 7, 9, 10, 12-15, 18 and 20 have been rejected, and claim 17 has been allowed. In response, the Applicant has submitted the following remarks amended claims 1, 12, 13, 18 and 20, and cancelled claims 3, 5, 7 and 10. Accordingly, claims 1, 9, 12-15 and 17, 18 and 20 now pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

#### **Rejections Under 35 U.S.C. §103**

Claims 1, 5, 7, 9, 10 and 12-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0188214 to Mischynski (hereinafter Mischynski) in view of Lozier.

Claim 1 is directed to a method of predicting sudden cardiac death in a patient, the method comprising acquiring patient data from a plurality of medical equipment databases with a set of acquisition devices, comparing the patient data to stored patterns to determine a measurement with an analysis module, comparing the measurement to a range to determine a correlation with a decision support module, wherein the correlation reflects a level of heart disease, diagnosing a sudden cardiac death risk score with a diagnosis module, and generating a single report based on the patient data, wherein the single report includes the sudden cardiac death risk score and a set of electrocardiogram data, an electrocardiogram pattern, an electrocardiogram correlation, an electrocardiogram measurement, image data, an image pattern, an image correlation, an image measurement, a mathematical measurement, a parameter value, and a range. Neither Lozier, Mischynski, nor their combination teach the limitations regarding the generation of a single report. For at least these reasons, the independent claim 1 is allowable over the teachings of Lozier, Mischynski and their combination.

Claim 9 is dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Lozier, Miczynski and their combination. Accordingly, claims 9 is also allowable as being dependent upon an allowable base claim. Claims 5, 7 and 10 have been cancelled.

Claim 12 is directed to a computer program embodied by a computer readable medium capable of being executed by a computer, the computer program for use in a sudden cardiac death prediction system, the computer program comprising an acquisition module that communicates over a network to acquire patient data from plurality of medical equipment databases, an analysis module that analyzes the patient data and calculates a plurality of measurements, a decision support module that analyzes the plurality of measurements and determines a level of heart disease, a diagnosis module that provides a medical diagnosis and sudden cardiac death prediction score based on the level of heart disease, and a report module that provides a single report including at least the sudden cardiac death prediction score, and further wherein the single report includes a set of electrocardiogram data, an electrocardiogram pattern, an electrocardiogram correlation, an electrocardiogram measurement, image data, an image pattern, an image correlation, an image measurement, a mathematical measurement, a parameter value, and a range. Neither Lozier, Miczynski, nor their combination teach the limitations regarding the generation of a single report. For at least these reasons, the independent claim 12 is allowable over the teachings of Lozier, Miczynski, nor their combination.

Claims 13-15 are dependent upon the independent claim 12. As discussed above, the independent claim 12 is allowable over the teachings of Lozier, Miczynski, nor their combination. Accordingly, claims 13-15 are also allowable as being dependent upon an allowable base claim.

Claims 3 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miczynski in view of Lozier as applied to claims 1, 5, 7, 9, 10, and 12-15 above and further in view of U.S. Patent No. 6,370,423 to Guerrero et al. (hereinafter Guerrero). Claim 3 has been cancelled.

Application No. 10/825,534  
Amendment Dated May 3, 2007  
Reply to Office Action of April 11, 2007

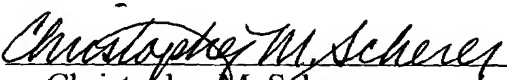
Claim 18 is directed to a system for determining a risk or predicting sudden cardiac death and includes calculating a sudden cardiac death risk score based on patient data. For the same reason as indicated for claims 1 and 12, claim 18 is also allowable over Miczynski, Lozier, and Guerrero.

Claim 20 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Miczynski in view of Guerrero. Claim 20 is directed to a medical device for determining a risk or predicting sudden cardiac death, and includes calculating a sudden cardiac death risk score based on patient data. For the same reasons as indicated in the argument for claims 1 and 12, claim 20 is allowable over Miczynski and Guerrero.

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Christopher M. Scherer  
Reg. No. 50,655

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590  
Facsimile: (414) 271-5770